

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

MISCELLANEOUS CIVIL APPLICATION NO. 528 OF 2024

Mahendra Pandurang Pangare ... Applicant

vs.

Shital Mahendra Pangare and Ors. ... Respondents

Mr. Ruturaj Bathe :-	Advocate for Applicant.
Mr. Shreyas Barsawade :-	Advocate for Respondents No.1 and 2.
Mr. Yash Agarwal :-	Advocate for Respondent No.3.
Ms. Disha Rathod :-	Advocate for Respondents No.4, 5 and 6.

CORAM : S. M. MODAK, J.

DATE : 13th DECEMBER 2024

P. C. :-

1. Heard learned Advocate applicant/ husband and learned Advocate for respondents which includes wife as one of the respondents. There is a proceeding under Protection of Women from Domestic Violence Act, 2005 [**PWDV Act**] initiated by the respondent/ wife before the Court of Judicial Magistrate First Class,

Pune. There is an order to pay maintenance by way of interim relief. Earlier the applicant/ husband has filed divorce proceeding before the District Court, Pune as per the provisions of Special Marriage Act. There is also an order of interim maintenance passed therein. Subsequently, the petition was returned for proper presentation on the basis of objection taken by the wife.

2. The learned Advocate for respondents is giving conditional consent for allowing the transfer. The submission is let the applicant/ husband be directed to clear the arrears of maintenance which comes to Rs.8,00,000/- (Rupees Eight Lakh). The quantum and liability is disputed on behalf of the applicant/ husband.

3. The order of interim maintenance is passed from the date of application and proceeding DV Act was filed in the year 2009 that is why he has not paid arrears and applicant/ husband has cleared the arrears from the date of order up to date.

4. Second submission is in the amount of arrears claimed, the claim as per the order passed in petition which was returned is also included. The applicant/ husband is disputing that liability.

5. This Court feels considering this issue, let the concerned Court to deal with it. However, learned Advocate for applicant/ husband fairly submitted that he will instruct his client to deposit Rs.50,000/- (Rupees Fifty Thousand) as per the order passed in DV Act proceeding. In view of that following order is passed :

ORDER

- (i) The application is allowed.
- (ii) The proceeding Criminal Miscellaneous Application 3269 of 2018 pending before the Court of Judicial Magistrate First Class, Pune be transferred to the Family Court at Pune.
- (iii) The Family Court, Pune to proceed with the hearing of that proceeding from the stage which is fixed by the Court Judicial Magistrate First Class, Pune.
- (iv) It is expected that the applicant/ husband will adhere to the submissions made on his behalf by the learned Advocate.

[S. M. MODAK, J.]

KISHOR
VISHNU
KAMBLE

Digitally signed
by KISHOR
VISHNU
KAMBLE
Date:
2024.12.24
12:58:10 +0530